

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JEROME DARNELL WHITE

PLAINTIFF

V.

No. 4:22-cv-00019-JMV

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

ORDER ON PETITION FOR ATTORNEY FEES

Before the Court are Plaintiff's motion [21] for attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), and Defendant's response [22]. For the reasons that follow, the motion will be granted.

In these proceedings Plaintiff sought judicial review of the Social Security Commissioner's final decision denying a claim for benefits. By Final Judgment [20] dated September 26, 2022, this Court remanded this case to the Commissioner for further proceedings. Plaintiff now seeks attorney fees in the amount of \$3,683.12 for 16.08 hours of attorney time before this Court on the grounds that Plaintiff was the prevailing party and the Commissioner's position was not "substantially justified." The Acting Commissioner does not oppose the requested award.

The Court, having thoroughly considered the motion, response, and the applicable law, finds the requested award is reasonable; and no special circumstance would make the award unjust.

Therefore, it is ordered that the Commissioner shall promptly pay Plaintiff \$3,683.12 in attorney fees for the benefit of his counsel. As a matter of practice, an EAJA fee made payable to Plaintiff may properly be mailed to Plaintiff's attorney.

SO ORDERED, this the 28th day of November, 2022.

/s/ Jane M. Virden

UNITED STATES MAGISTRATE JUDGE